

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 21-CR-_____**

v. : **DATE FILED: _____**

ROBERT COSTELLO : **VIOLATIONS:**
 18 U.S.C. § 2252(a)(2), (b)(1) (receipt of child
 : pornography – 3 counts)
 18 U.S.C. § 2252(a)(4)(B), (b)(2) (access with
 : intent to view child pornography – 1 count)
 18 U.S.C. § 2252(a)(4)(B), (b)(2) (possession
 : of child pornography – 1 count)
 Notice of forfeiture

INDICTMENT

COUNTS ONE THROUGH THREE

THE GRAND JURY CHARGES THAT:

On or about the dates listed below, each date constituting a separate count of this Indictment, in Bethlehem, in the Eastern District of Pennsylvania, defendant

ROBERT COSTELLO

knowingly received a visual depiction using any means and facility of interstate and foreign commerce, and that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, the producing of which involved the use of a minor engaging in sexually explicit conduct, and the visual depiction was of such conduct.

Count	Date	Visual Depiction
1	July 27, 2020	File name beginning with "4c0f," depicting prepubescent girl being anally or vaginally penetrated by an adult male
2	July 28, 2020	File name beginning with "2b4a," depicting a minor girl with lascivious exhibition of minor girl's genitals

3	September 14, 2020	File name beginning with "3d67," depicting a prepubescent girl masturbating
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In violation of Title 18, United States Code, Sections 2252(a)(2), (b)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 30, 2020, in Bethlehem, in the Eastern District of Pennsylvania,
defendant

ROBERT COSTELLO

knowingly accessed with intent to view matter, that is, a Samsung GSM SM-G930A Galaxy S7 Phone, bearing serial number R38K805JW4T and IMEI 359470074080864; and an HP EliteBook laptop computer with 500 GB Seagate hard drive, bearing serial number W62HSYCA and model number ST500LM021-1KJ152; which contained visual depictions that had been mailed and shipped and transported using any means and facility of interstate and foreign commerce, and which were produced using materials that had been mailed and shipped and transported in interstate and foreign commerce. The production of these visual depictions involved the use of a minor engaging in sexually explicit conduct, and the visual depictions were of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(4)(B), (b)(2).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 15, 2020, in Bethlehem, in the Eastern District of Pennsylvania, defendant

ROBERT COSTELLO

knowingly possessed matter, that is, a Samsung GSM SM-G930A Galaxy S7 cellular phone, bearing serial number R38K805JW4T and IMEI 359470074080864; an HP EliteBook laptop computer with 500 GB Seagate hard drive, bearing serial number W62HSYCA and model number ST500LM021-1KJ152; an 8 GB Verbatim STORE N GO flash drive, bearing serial number 900900068050; and an 8 GB Staples Relay UFD flash drive, bearing serial number 20053045111696102BCE; which contained visual depictions that had been mailed and shipped and transported using any means and facility of interstate and foreign commerce, and which were produced using materials that had been mailed and shipped and transported in interstate and foreign commerce. The production of these visual depictions involved the use of minors engaging in sexually explicit conduct, and the visual depictions were of such conduct. The minors depicted included a prepubescent minor and a minor who had not attained 12 years of age.

In violation of Title 18, United States Code, Sections 2252(a)(4)(B), (b)(2).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Section 2252(a)(2) and (a)(4)(B), as set forth in this Indictment, defendant

ROBERT COSTELLO

shall forfeit to the United States of America:

(a) any matter which contains any child pornography, which was produced, transported, mailed, shipped, received, or possessed as a result of such violation as charged in the Indictment;

(b) any property, real or personal, constituting or derived from any proceeds obtained directly or indirectly from such violations; and

(c) any property, real or personal, used or intended to be used to commit or to facilitate the commission of such violation, including, but not limited to:

(i) a Samsung GSM SM-G930A Galaxy S7 cellular phone, bearing serial number R38K805JW4T and IMEI 359470074080864;

(ii) an HP EliteBook laptop computer with 500 GB Seagate hard drive, bearing serial number W62HSYCA and model number ST500LM021-1KJ152;

(iii) an 8 GB Verbatim STORE N GO flash drive, bearing serial number 900900068050; and

(iv) an 8 GB Staples Relay UFD flash drive, bearing serial number 20053045111696102BCE.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

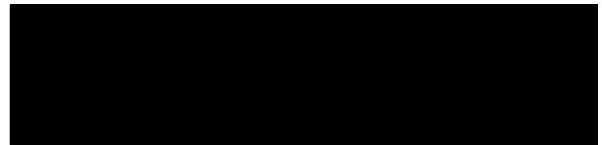
(b) has been transferred or sold to, or deposited with, a third party;

- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253, to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL:



FOREPERSON

A handwritten signature in cursive script, reading "Jennifer L. Arbittier Williams".

JENNIFER ARBITTIER WILLIAMS
ACTING UNITED STATES ATTORNEY

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

ROBERT COSTELLO

INDICTMENT

Counts

- 18 U.S.C. § 2252(a)(2), (b)(1) (receipt of child pornography – 3 counts)
18 U.S.C. § 2252(a)(4)(B), (b)(2) (access with intent to view child pornography – 1 count)
18 U.S.C. § 2252(a)(4)(B), (b)(2) (possession of child pornography – 1 count)

Notice of forfeiture

Foreman

Filed in open court this 10th day.
Of February A.D. 20 21

Clerk

Bail, \$ _____